



west virginia department of environmental protection

Division of Water & Waste Management
601 57th Street SE
Charleston, WV 25304
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Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

June 27, 2014

Kristin Edwards
Virginia Electric & Power Co.
Mt. Storm Plant
436 Dominion Blvd.
Glen Allen, VA 26738-9

CERTIFIED RETURN RECEIPT REQUEST
RE: WV/NPDES Permit No. WV0005525
Order Number 6291, Amendment No. 3

Dear Ms. Edwards:

Enclosed find Amendment No. 3 to Administrative Order No. 6291, which emanated pursuant to Chapter 22, Article 11 of the West Virginia Code. This Amendment to the ORDER extends the deadline to meet the final temperature differential limitation at Outlet 001 until December 31, 2014.

You should carefully read the contents of the enclosed amended ORDER and communicate to each responsible official, agency and employee the actions which each must take to ensure compliance with its terms. Failure to comply with the terms of this amended ORDER constitutes an additional violation and may result in further enforcement action involving civil or criminal penalties.

Please note that, as indicated by its terms, the amended ORDER is effective upon receipt. If you have any questions concerning this amended ORDER or related matters, please contact John Lockhart, at 304-926-0499 ext. 1028.

Sincerely,

Scott G. Mandirola
Director

SGM/jl

cc: Env. Insp. Supv., Env. Insp. (Grant County), USEPA Region 3



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**ORDER
ISSUED UNDER THE
WATER POLLUTION CONTROL ACT
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 11**

TO: Virginia Electric & Power Co.
Mount Storm Plant
436 Dominion Blvd.
Glen Allen, VA 26738-9

DATE: June 27, 2014

ORDER NO.: 6291 – Amendment No. 3

INTRODUCTION

The following findings are made and amended Order issued to Virginia Electric Power Co. pursuant to the authority vested in the Director of the Division of Water and Waste Management under Chapter 22, Article 11, Section 1 et seq. of the Code of West Virginia.

FINDINGS OF FACT

In support of this amended Order, the Director hereby finds the following:

1. Virginia Electric & Power Co. (VEPCO) owns and operates the Mt. Storm Power Plant located in Grant County. This facility is permitted (WV/NPDES Permit No. WV0005525 issued the 14th day of April 2008) to discharge treated process wastewater, cooling water, sewage, and storm water runoff via Outlet 001 (discharge from Mt. Storm Lake) into Stony River of the North Branch of the Potomac River.
2. Order No. 6291 was issued to VEPCO on the 14th day of April 2008 with Amendment Nos. 1 and 2 issued on the 2nd day of July 2009 and the 29th day of October 2010, respectively. All were issued to address the thermal discharge from Mt. Storm Lake into the Stony River and included a Compliance Plan and Schedule.
3. All other findings of fact in Order 6291 and subsequent amendments remain in effect and unchanged.

4. Order No. 6291 afforded interim relief from thermal discharge limitations at Outlet 001 up through June 30, 2014. VEPCO has completed numerous measures under the order; however, these measures have not resulted in final compliance with the temperature difference limitation or for the permittee to be able to request, and obtain, a 316(a) variance. However, the permittee is now capable of achieving the instantaneous maximum temperature limitations at Outlet 001.

ORDER FOR COMPLIANCE

And now, this 27th day of June 2014, VEPCO is hereby ORDERED by the Director as follows:

1. VEPCO shall comply with the final temperature difference limitation or the resultant limitations from a granted 316(a) variance at Outlet 001 as soon as possible, but no later than December 31, 2014. Until that time, the permittee shall comply with the interim temperature difference limitation at Outfall 001. Final temperature difference limit means an instantaneous maximum temperature difference limitation of 5° F. Interim temperature difference limit means monitor only until December 31, 2014.
2. On or before October 31, 2014, the permittee shall submit a revised Plan of Action summarizing the actions to be taken to result in compliance with the final temperature difference limitation at Outlet 001. The agency will take this Plan of Action and may use the information to formulate a new order to afford additional time to comply.
3. All other compliance items and attachments of Order 6291 and subsequent amendments remain in effect and unchanged.

OTHER PROVISIONS

1. Compliance with the terms and conditions of this Order shall not in any way be construed as relieving VEPCO of the obligation to comply with any applicable law, permit, other order, or any other requirement otherwise applicable. Violations of the terms and conditions of this Order may subject VEPCO to additional enforcement action in accordance with the applicable law.
2. The provisions of this Order are severable and should a court or board of competent jurisdiction declares any provision to be invalid or unenforceable, all other provisions shall remain in full force and effect.
3. This Order is binding on VEPCO, its successors and assigns.
4. This Order shall terminate upon VEPCO's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.

RIGHT OF APPEAL

Notice is hereby given of your right to appeal the terms and conditions of this Order which you are aggrieved to the Environmental Quality Board by filing a NOTICE of APPEAL on the form prescribed by such Board, in accordance with the provisions of Section 21, Article 11, Chapter 22 of the Code of West Virginia within thirty (30) days after receipt of this Order.

This amended Order shall become effective upon receipt.



Scott G. Mandirola, Director
Division of Water and Waste Management

revised January 2007